

AMENDED IN ASSEMBLY JANUARY 6, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 517**

**Introduced by Assembly Member Oropeza**

February 18, 2003

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~~An act to amend Section 923 of the Labor Code, relating to employment.~~ *An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 517, as amended, Oropeza. ~~Employment: labor~~ *Vehicles: automated enforcement system.*

*Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.*

*This bill would limit the law enforcement agency authorized to cooperate in the operation of an automated enforcement system to the law enforcement agency having primary traffic enforcement responsibility. The bill would authorize the local law enforcement agency to enter into an agreement with another law enforcement agency for the purposes of operating an automatic enforcement system.*

~~Existing law provides that it is the public policy of the state that workers are permitted to organize for the purpose of collective bargaining.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 923 of the Labor Code is amended to~~

*SECTION 1. Section 21455.5 of the Vehicle Code is amended to read:*

21455.5. (a) The limit line, the intersection, or a place designated in Section 21455, where a driver is required to stop, may be equipped with an automated enforcement system if the governmental agency utilizing the system meets all of the following requirements:

(1) Identifies the system by signs that clearly indicate the system's presence and are visible to traffic approaching from all directions, or posts signs at all major entrances to the city, including, at a minimum, freeways, bridges, and state highway routes.

(2) If it locates the system at an intersection, and ensures that the system meets the criteria specified in Section 21455.7.

(b) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

(c) Only a governmental agency, in cooperation with ~~a~~ *the* law enforcement agency *having primary traffic enforcement responsibility*, may operate an automated enforcement system. As used in this subdivision *and subdivision (d)*, "operate" includes all of the following activities:

(1) Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.

(2) Performing administrative functions and day-to-day functions, including, but not limited to, all of the following:

(A) Establishing guidelines for selection of location.

1 (B) Ensuring that the equipment is regularly inspected.

2 (C) Certifying that the equipment is properly installed and  
3 calibrated, and is operating properly.

4 (D) Regularly inspecting and maintaining warning signs  
5 placed under paragraph (1) of subdivision (a).

6 (E) Overseeing the establishment or change of signal phases  
7 and the timing thereof.

8 (F) Maintaining controls necessary to assure that only those  
9 citations that have been reviewed and approved by law  
10 enforcement are delivered to violators.

11 (d) *A local law enforcement agency may enter into an*  
12 *agreement with another law enforcement agency for the purposes*  
13 *of operating an automatic enforcement system.*

14 (e) The activities listed in subdivision (c) that relate to the  
15 operation of the system may be contracted out by the governmental  
16 agency, if it maintains overall control and supervision of the  
17 system. However, the activities listed in paragraph (1) of, and  
18 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,  
19 subdivision (c) may not be contracted out to the manufacturer or  
20 supplier of the automated enforcement system.

21 ~~(e)~~

22 (f) (1) Notwithstanding Section 6253 of the Government  
23 Code, or any other provision of law, photographic records made  
24 by an automated enforcement system shall be confidential, and  
25 shall be made available only to governmental agencies and law  
26 enforcement agencies and only for the purposes of this article.

27 (2) Confidential information obtained from the Department of  
28 Motor Vehicles for the administration or enforcement of this  
29 article shall be held confidential, and may not be used for any other  
30 purpose.

31 (3) Except for court records described in Section 68152 of the  
32 Government Code, the confidential records and information  
33 described in paragraphs (1) and (2) may be retained for up to six  
34 months from the date the information was first obtained, or until  
35 final disposition of the citation, whichever date is later, after which  
36 time the information shall be destroyed in a manner that will  
37 preserve the confidentiality of any person included in the record  
38 or information.

39 ~~(f)~~

(g) Notwithstanding subdivision ~~(d)~~ (e), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

~~(g)~~

(h) (1) A contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment may not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

read:

~~923. — In the interpretation and application of this chapter, the public policy of this State is declared as follows:~~

~~Negotiation of terms and conditions of labor should result from voluntary agreement between employer and employees. Governmental authority permits and encourages employers to organize in the corporate and other forms of capital control. In dealing with such employers, the individual unorganized worker is helpless to exercise actual liberty of contract and to protect his or her freedom of labor, and thereby to obtain acceptable terms and conditions of employment. Therefore it is necessary that the individual worker have full freedom of association, self-organization, and designation of representatives of his or her own choosing, to negotiate the terms and conditions of his or her employment, and that he or she shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.~~